

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

TIFFANY J. SOUDERS,	:	APPEAL NO. C-160541
Plaintiff-Appellee,	:	TRIAL NO. DR1400927
vs.	:	<i>JUDGMENT ENTRY.</i>
STEPHEN T. SOUDERS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Stephen T. Souders appeals from the Hamilton County Domestic Relations Court's judgment determining that he owes \$4,479.32 in day care expenses. We affirm.

Stephen and plaintiff-appellee Tiffany J. Souders were divorced in 2014. Under the terms of their shared-parenting decree, the parties were responsible for sharing equally the day care expenses for their children.

In December 2015, Tiffany filed a motion for contempt asserting that Stephen had failed to pay \$5,479.32 in day care costs. The motion was heard by a magistrate who ultimately issued a decision finding Stephen in contempt and ordering him to pay Tiffany \$1,000 before May 16, 2016, to purge the contempt. Failure by Stephen to purge the contempt was to result in his incarceration for a period of 30 days. The matter was scheduled for an imposition-of-sentence hearing on May 16, 2016, before the trial court. On that date, the parties appeared and as the court's purge entry reflects, testified that Stephen had made a payment of \$1,000 to Tiffany on May 14, 2016. In its entry, the

court dismissed the contempt, and noted that the \$1000 represented a payment toward Stephen's share of the day care expenses, leaving a balance owed of \$4,479.32. This appeal followed.

In two assignments of error, Stephen argues the trial court erred by including in its purge entry a finding that he owed a balance of \$4,479.32 for his share of day care expenses, and by orally advising Tiffany to obtain legal counsel to pursue payment.

Here, resolution of Stephen's assignments of error are dependent upon a review of the hearing transcript. And as the appellant, Stephen has the duty to supply a transcript for appellate review because he has the burden of demonstrating error by reference to matters in the record. *See Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980), citing *State v. Skaggs*, 53 Ohio St.2d 162, 163 372 N.E.2d 1355 (1978); App.R. 12(A)(2). However, Stephen neither provided a transcript of the proceedings nor a permissible substitute under App.R. 9(C) or (D). Without a transcript of the imposition-of-sentence hearing, we must presume the validity of the trial court's proceedings. *Knapp* at 199; *see Lyons v. Kindell*, 2015-Ohio-1709, 35 N.E.3d 7, ¶ 42 (1st Dist.).

Accordingly, we overrule both assignments of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., CUNNINGHAM and MYERS, JJ.

To the clerk:

Enter upon the journal of the court on March 29, 2017
per order of the court _____.

Presiding Judge